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V.S.

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/008,174 01/16/98 SAWAI

K P-98F2

LM02/0427
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EXAMINER

DAVIS, D

ART UNIT	PAPER NUMBER
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2754

DATE MAILED: 04/27/99

#8

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/008,174

Applicant(s)

Sawai et al

Examiner

David D. Davis

Group Art Unit

2754



☒ Responsive to communication(s) filed on Feb 11, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 4-7 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 4-7 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on Feb 11, 1999 is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Drawings

1. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on February 11, 1999 have been approved by the examiner.

Claim Rejections - 35 U.S.C. § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 4-7 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Japanese publication 3039631 published May 7, 1997.

4. Claims 4-7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Matsui (JP 6-243561).

5. Claims 4-7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Chung et al (US 4,795,109).

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Response to Arguments

6. Applicants' arguments filed February 11, 1999 have been fully considered but they are not persuasive. Applicants assert in the paragraph bridging pages 5 and 6 the following:

Applicants respectfully bring to the Examiner's attention the Japanese priority application 9-00136, filed January 17, 1997, which antedates the publication on May 5, 1997 [sic] of Japanese publication 3039631 . . . the priority date of the present application clearly antedates this publication as the priority date of January 17, 1997 is earlier in time, and thus it would appear that the Examiner's rejection is improper and should be withdrawn.

The fact that the applied Japanese publication antedates applicants' foreign priority does not render the rejection under 35 U.S.C. 102(a) improper because applicants have not perfected the foreign priority document of the instant application. The filing date of the priority document is not perfected unless applicants have filed a certified priority document in the application, an English language translation (see 37 CFR 1.55) *and* the examiner has established that the priority document satisfies the enablement and description requirements of 35 U.S.C. 112, first paragraph. Applicants have not filed an English translation of the foreign priority document. Accordingly, the above rejection under 35 U.S.C. 102(a) over Japanese publication 3039631 published May 7, 1997 is deemed proper.

Applicants assert in the first full paragraph on page 6 that the "cited references each disclose mechanisms in which a door is synchronously operated, that is, opened/closed, by making use of a cassette holder's transfer [sic] position to an initial position." Each of the applied references disclose "a slider arm capable of sliding in parallel to an insertion direction of said

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video cassette . . . a door arm for driving said door in accordance with movement of said slide arm” as required by the claims.

In lines 3-7 on page 7, “applicants maintain that all of the cited references clearly do not teach or suggest the operational timing of the respective members or elements of the present loading mechanism for loading a video cassette”. Amended claims 4-7 of the instant application do not require operational timing of the respective members or elements of the present loading mechanism for loading a video cassette. Amended claims 4-7 for example, require “a slider arm capable of sliding in parallel to an insertion direction of said video cassette . . . a door arm for driving said door in accordance with movement of said slide arm”, which is disclosed by the applied prior art of record.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Davis whose telephone number is (703) 308-1503.



David D. Davis
Primary Examiner
April 20, 1999